

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA,

v.

MAURICE RENALDO LEWIS,

Defendant.

CASE NO. 3:08-cr-00039
Defendant 1

ORDER

JUDGE NORMAN K. MOON

Defendant filed a motion to vacate his sentence on the theory that the holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015), extended to the United States Sentencing Guidelines, thus warranting a reduced sentence. (Dkt. 96). The Government has filed a motion to dismiss. (Dkt. 103).

Beckles v. United States, 137 S. Ct. 886 (2017), held that the Sentencing Guidelines are not subject to a vagueness challenge and thus *Johnson*'s holding does not extend to them. Accordingly, the motion to vacate is **DENIED** and the Government's motion to dismiss is **GRANTED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 22nd day of May, 2017.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE